

1200-1-11-.11 STANDARDS FOR THE MANAGEMENT OF USED OIL.**(1) Definitions [40 CFR 279 Subpart A]****(a) Definitions [40 CFR 279.1]**

Terms that are defined in Rules 1200-01-11-.01(2)(a), .02(1)(a), and 40 CFR 280.12 have the same meanings when used in this Rule.

"Aboveground tank" means a tank used to store or process used oil that is not an underground storage tank as defined in Rule 1200-1-15-.01.

"Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

"Do-it-yourselfer used oil collection center" means any site or facility that accepts/aggregates and stores used oil collected only from household do-it-yourselfers.

"Existing tank" means a tank that is used for the storage or processing of used oil and that is in operation or for which installation has commenced on or prior to July 7, 1995, the effective date of Tennessee's authorized used oil program. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin installation of the tank and if either

1. A continuous on-site installation program has begun or
2. The owner or operator has entered into contractual obligations-which cannot be canceled or modified without substantial loss-for installation of the tank to be completed within a reasonable time.

"Household `do-it-yourselfer' used oil" means oil that is derived from households, such as used oil generated by individuals who generate used oil through the maintenance of their personal vehicles.

"Household `do-it-yourselfer' used oil generator" means an individual who generates household "do-it-yourselfer" used oil.

"New tank" means a tank that will be used to store or process used oil and for which installation has commenced after July 7, 1995, the effective date of Tennessee's authorized used oil program.

"Petroleum refining facility" means an establishment primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, and lubricants, through fractionation, straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking or other processes (i.e., facilities classified as SIC 2911).

"Processing" means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived product. Processing includes, but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation and re-refining.

"Re-refining distillation bottoms" means the heavy fraction produced by vacuum distillation of filtered and dehydrated used oil. The composition of still bottoms varies with column operation and feedstock.

(Rule 1200-1-11-.11, continued)

(a) Applicability [40 CFR 279.10]

This subparagraph identifies those materials which are subject to regulation as used oil under this Rule. This subparagraph also identifies some materials that are not subject to regulation as used oil under this Rule, and indicates whether these materials may be subject to regulation as hazardous waste under Rules 1200-01-11-.01 through .07, .09 and .10.

1. Used Oil

The Commissioner presumes that used oil is to be recycled unless a used oil handler disposes of used oil, or sends used oil for disposal. Except as provided in subparagraph (2)(b) of this Rule, the regulations of this Rule apply to used oil, and to materials identified in this subparagraph as being subject to regulation as used oil, whether or not the used oil or material exhibits any characteristics of hazardous waste identified in Rule 1200-01-11-.02(3).

2. Mixtures of Used Oil and Hazardous Waste

(i) Listed Hazardous Waste.

(I) Mixtures of used oil and hazardous waste that is listed in Rule 1200-01-11-.02(4) are subject to regulation as hazardous waste under Rules 1200-01-11-.01 through .07, .09 and .10, rather than as used oil under this Rule.

(II) Rebuttable Presumption For Used Oil

Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Rule 1200-01-11-.02(4). Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Rule 1200-01-11-.02(5)(a) Appendix VIII).

I. The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in part (3)(e)3 of this Rule, to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner, or disposed.

II. The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

(ii) Characteristic Hazardous Waste

Mixtures of used oil and hazardous waste that solely exhibit one or more of the hazardous waste characteristics identified in Rule 1200-01-11-

(Rule 1200-1-11-.11, continued)

- (II) If applicable, are subject to the hazardous waste regulations of Rules 1200-01-11-.01 through .07, .09 and .10.
 - (ii) Materials containing or otherwise contaminated with used oil that are burned for energy recovery are subject to regulation as used oil under this Rule.
 - (iii) Used oil drained or removed from materials containing or otherwise contaminated with used oil is subject to regulation as used oil under this Rule.
- 4. Mixtures of Used Oil With Products
 - (i) Except as provided in subpart (2)(a)4(ii) of this Rule, mixtures of used oil and fuels or other fuel products are subject to regulation as used oil under this Rule.
 - (ii) Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to this Rule once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of paragraph (3) of this Rule.
- 5. Materials Derived From Used Oil
 - (i) Materials that are reclaimed from used oil that are used beneficially and are not burned for energy recovery or used in a manner constituting disposal (e.g., re-refined lubricants) are:
 - (I) Not used oil and thus are not subject to this Rule and
 - (II) Not solid wastes and are thus not subject to the hazardous waste regulations of Rules 1200-01-11-.01 through .07, .09 and .10 as provided in Rule 1200-01-11-.02(1)(c)3(ii)(I).
 - (ii) Materials produced from used oil that are burned for energy recovery (e.g., used oil fuels) are subject to regulation as used oil under this Rule.
 - (iii) Except as provided in subpart (2)(a)5(iv) of this Rule, materials derived from used oil that are disposed of or used in a manner constituting disposal are:
 - (I) Not used oil and thus are not subject to this Rule and
 - (II) Solid wastes and thus are subject to the hazardous waste regulations of Rules 1200-01-11-.01 through .07, .09 and .10, if the materials are listed or identified as hazardous waste.
 - (iv) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are not subject to this Rule.
- 6. Wastewater

Wastewater, the discharge of which is subject to regulation under either the Tennessee Water Quality Control Act of 1977 or section 402 or section 307(b) of the Clean Water Act (including wastewaters at facilities which have eliminated

(Rule 1200-1-11-.11, continued)

9. Used Oil Containing PCBs

Used oil containing PCBs (as defined at 40 CFR 761.3) at any concentration less than 50 ppm is subject to the requirements of this Rule unless, because of dilution, it is regulated under 40 CFR Part 761 as a used oil containing PCBs at 50 ppm or greater. PCB-containing used oil subject to the requirements of this Rule may also be subject to the prohibitions and requirements found at 40 CFR Part 761, including §761.20(d) and (e). Used oil containing PCBs at concentrations of 50 ppm or greater is not subject to the requirements of this Rule, but is subject to regulation under 40 CFR Part 761. No person may avoid these provisions by diluting used oil containing PCBs, unless otherwise specifically provided for in this Rule or Part 761.

(b) Used Oil Specifications [40 CFR 279.11]

Used oil burned for energy recovery, and any fuel produced from used oil by processing, blending, or other treatment, is subject to regulation under this Rule unless it is shown not to exceed any of the allowable levels of the constituents and properties shown in Table 1. Once used oil that is to be burned for energy recovery has been shown not to exceed any allowable level and the person making that showing complies with subparagraphs (8)(c) and (8)(d) and part (8)(e)2 of this Rule, the used oil is no longer subject to this Rule.

Table 1-Used Oil Not Exceeding Any Allowable Level Shown Below Is Not Subject to This Rule When Burned for Energy Recovery¹

Constituent/property	Allowable level
Arsenic	5 ppm maximum.
Cadmium	2 ppm maximum.
Chromium	10 ppm maximum.
Lead	100 ppm maximum.
Flash point	100 °F minimum.
Total halogens	4,000 ppm maximum. ²

FOOTNOTE: ¹The allowable levels do not apply to mixtures of used oil and hazardous waste that continue to be regulated as hazardous waste (see part (2)(a)2 of this Rule).

FOOTNOTE: ²Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under subpart (2)(a)2(i) of this Rule. Such used oil is subject to Rule 1200-01-11-.09(8) rather than this Rule when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

(c) Prohibitions [40 CFR 279.12]

1. Surface Impoundment Prohibition

Used oil shall not be managed in surface impoundments or waste piles unless the units are subject to regulation under Rules 1200-01-11-.05 or .06 .

2. Use as a Dust Suppressant

The use of used oil as a dust suppressant is prohibited in Tennessee, as set forth in subparagraph (9)(c) of this Rule.

3. Burning in Particular Units

